

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

LOUISE LIGHTFOOT, and	)	
CLAYTON LIGHTFOOT,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:06CV47 RWS
	)	
S.C. MANAGEMENT, INC., et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before me on Defendant Gustavo Granada M.D.'s Motion to Dismiss [#9].

The motion will be granted.

Lightfoot has filed this action for medical malpractice. Lightfoot named Granada individually as a Defendant, and Lightfoot also named the United States as a Defendant as Granada's employer.

As alleged, Granada was working with the Southeast Missouri Health Network and acting within the scope of his employment pursuant to the Federally Supported Health Centers Assistance Act of 1992. The Southeast Missouri Health Network was deemed eligible for coverage under the Federal Tort Claims Act by the United States Department of Health and Human Services in 1997.

The Federal Tort Claims Act only authorizes suit to be filed against the Government in the name of the United States of America. 28 U.S.C. § 2679(d)(1) ("Upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or

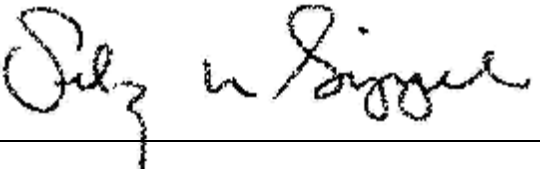
proceeding commenced upon such claim in a United States district court shall be deemed an action against the United States under the provisions of this title and all references thereto, and the United States shall be substituted as the party defendant.”). As a result, the motion will be granted, and the United States shall be substituted for Granada.

**IT IS HEREBY ORDERED** that Gustavo Granada M.D.’s Motion to Dismiss [#9] is **GRANTED**.

**IT IS FURTHER ORDERED** that, pursuant to 28 U.S.C. § 2679(d)(1), the United States of America shall be substituted as party defendant in place of Gustavo Granada.

**IT IS FURTHER ORDERED** that Plaintiffs’ claims against Gustavo Granada are dismissed with prejudice.

Dated this 20th day of April, 2006.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", is written above a horizontal line.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE